

CONSIDERED: /SM/

07/27/2010

Attorney Docket No.: P-7782-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): GEWIRTZ, Alan M. Examiner: Megarry, Sean  
Serial No.: 10/593,578 Group Art Unit: 1635  
Filed: June 4, 2007 Confirmation No.: 1461  
Title: METHODS OF USE OF BCL-6-DERIVED NUCLEOTIDES TO INDUCE APOPTOSIS

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## DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

I, Alan M. Gewirtz, M.D., do hereby declare and state as follows:

1. I am the sole inventor of the subject matter described and presently claimed in the above-identified patent application.

2. I have read and am familiar with the instant application as it was filed in the U.S. Patent and Trademark Office ("USPTO") on June 4, 2007, the Office Action mailed by the USPTO on January 15, 2010 and the pending claims of this application. I am also familiar with the response that accompanies this Declaration.

3. I have read and am familiar with Provisional Patent Application No. 60/555,207, filed on 22-Mar-2004. The above-identified application is a National Phase filing of a PCT application based on Provisional Patent Application No. 60/555,207 and claims priority therefrom, in accordance with a Declaration and Power of Attorney executed by me.

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4. I am a co-author, along with Joanna B. Opalinska and Anna Kalota, of the reference Opalinska *et al.* 2003 (*Blood*, vol. 102 (11):137A-138A) ("Opalinska"). Opalinska was published in November-December, 2003, less than one year prior to the filing date of the provisional patent application from which the above-identified application claims priority.

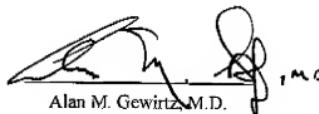
5. I understand that the Opalinska abstract was relied upon in the Office Action issued by the USPTO on January 15, 2010 to reject the pending claims of the above-identified application under 35 U.S.C. § 103(a) in combination with other references.

6. Co-authors Joanna B. Opalinska and Anna Kalota, listed in the Opalinska abstract, are not co-inventors of the subject matter that is claimed in the above-identified application, because they were merely working under my supervision and direction. Joanna B. Opalinska and Anna Kalota did not contribute to the conception of the subject matter claimed in the above-identified application.

7. I hereby declare that all statements made herein on my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

6/24/2010



Alan M. Gewirtz, M.D.